



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 28, 2009

Date of Meeting: January 27, 2009

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:40 p.m., on Tuesday, January 27, 2009, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero
Rodney Glassman
Karin Uhlich
Shirley C. Scott
Steve Leal
Nina J. Trasoff
Robert E. Walkup

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein
Michael Rankin
Roger W. Randolph
Mike Letcher

City Manager
City Attorney
City Clerk
Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Captain Christopher Peña, Tucson Fire Department, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup, assisted by Council Member Glassman, presented a certificate to Terri Pearson as an "Extraordinary Citizen."

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 36, dated January 27, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Vice Mayor Uhlich announced it was time for the Volunteer Income Tax Assistance (VITA) Program to gear up. She reminded citizens of the Earned Income Tax Credit and Child Tax Credit that could be claimed on the federal income tax. The average household income was thirty-six thousand dollars. With one child in a home, the threshold to qualify was just over thirty-six thousand dollars. Last year, the program helped families draw 5.37 million dollars into Tucson. The average return to the families was one thousand, four hundred fifty-two dollars. There was a VITA site at the Ward 3 Council Office and there were sixteen sites across the city.
- b. Council Member Glassman announced that on Saturday at the Tucson Museum of Art, the Metropolitan Tucson Convention & Visitors Bureau launched a new website called familyfriendlyweekends.org. He thanked Mayor Walkup for leading the tour and Council Member Romero for working together on that project. He urged all families to visit the website for activities in downtown Tucson.
- c. Council Member Trasoff urged citizens to visit the Tucson Museum of Art, which had three extraordinary exhibits. They were A Place of Refuge: Maynard Dixon's Arizona; Han and Beyond – The Renaissance of China: The James Conley Collection; and Mexican Photographers Today: Facing a World in Transition Selected Works from the Margolis Foundation.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 37, dated January 27, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 38, dated January 27, 2009, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. Cheba Hut, Ward 6
1820 E. 6th St.
Applicant: Steven Duane Bigelow, Jr.
Series 12, City 83-08
Action must be taken by: January 30, 2009

Tucson Police Department and Development Services have indicated the applicant is in compliance with city requirements.

Revenue has indicated the applicant is not in compliance with city requirements.

Roger W. Randolph, City Clerk, announced an update from staff, indicating the applicant was in compliance with City requirements.

2. Mi Ranchito Supermarket, Ward 1
1777 W. 36th St.
Applicant: Sanjay Vinubhai Patel
Series 10, City 84-08
Action must be taken by: January 31, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed
 Written Arguments In Favor Filed

This item was considered separately.

3. Croesus Limited, L.L.C., Ward 6
4500 E. Speedway Blvd., Suite #6
Applicant: Ryan G. Distel
Series 4, City 85-08
Action must be taken by: February 6, 2009

Staff has indicated the applicant is in compliance with city requirements.

4. Red Lobster #6354, Ward 1
5315 S. Calle Santa Cruz
Applicant: John Michael Knapp
Series 12, City 87-08
Action must be taken by: February 8, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

c. Special Event(s)

1. Salpointe Catholic High School, Ward 3
1545 E. Copper St.
Applicant: Lori M. Giovannini
City T105-08
Date of Event: February 14, 2009
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

2. Tucson Metro. Community Chorus dba Desert Voices, Ward 6
738 N. 5th Ave.
Applicant: Rebecca H. Cohen
City T107-08
Date of Event: February 7, 2009
(Non-profit fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

3. Rialto Theatre Foundation, Ward 6
318 E. Congress St.
Applicant: Douglas Biggers
City T108-08
Date of Event: February 7, 2009 - February 8, 2009
(Live music performance at Rialto during gem show)

Staff has indicated the applicant is in compliance with city requirements.

4. Tucson Young Professionals, Ward 1
140 N. Main Ave.
Applicant: Teresa Bommarito
City T109-08
Date of Event: February 6, 2009
(To promote community event in downtown Tucson)

Staff has indicated the applicant is in compliance with city requirements.

5. Coyote Taskforce, Inc./Cafe 54, Ward 6
54 E. Pennington St.
Applicant: Mindy Bernstein
City T110-08
Date of Event: February 14, 2009
(Valentine's Day Dinner)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

It was moved by Council Member Leal, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b3 through 5b4 and 5c1 through 5c5 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

2. Mi Ranchito Supermarket, Ward 1
1777 W. 36th St.
Applicant: Sanjay Vinubhai Patel
Series 10, City 84-08
Action must be taken by: January 31, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed
 Written Arguments In Favor Filed

Roger W. Randolph, City Clerk, announced the application to be considered separately was item 5b2, Mi Ranchito Supermarket located in Ward 1.

Council Member Romero stated her office had been receiving information on Mi Ranchito for some time, which was located on 36th Street between La Cholla Boulevard and Mission Road. She said she would like to give the opportunity to some people who had shown up to talk about their positions with that particular liquor license.

Council Member Romero said she would like to go through that first, then have Mr. Sanjay Patel speak after them, and then Council. She called Yolanda Herrera from Sunnyside Neighborhood and Southside Neighborhood Association's Presidential Partnership (SNAPP).

Yolanda Herrera stated she was the current government liaison for the Sunnyside Neighborhood Association and current president of the Southside Neighborhood Association's Presidential Partnership (SNAPP). She said they were present to request that the Mayor and Council send a loud voice to Phoenix with a seven-zero vote to strengthen their efforts to reduce the amount of liquor establishments within their particular boundaries. She said she was a fifth generation Tucsonan and they had long commitments to the quality of life in Tucson.

Ms. Herrera said their mission and goals were to preserve, protect and improve their qualities in life. She stated that 2008 had the highest homicide rate in fifteen years and forty percent of those homicides were within the SNAPP boundaries. She thought those huge numbers directly impacted the safety of children, seniors and other residents. She said Council Member Romero recently had a public safety town hall, which was well attended and addressed concerns that had been heard over and over again by different wards and across the City.

Ms. Herrera said in the past, they had come with the underage drinking task force, and Mayor and Council supported their efforts and call to action in reducing underage drinking in Pima County. The Pacific Institute for Research and Evaluation stated how alcohol outlets affect neighborhood violence and she thought, with the forty percent homicide rate in their boundaries, those were really hard and fast numbers. She said the Tucson Police Department was doing what they could to get more officers on the streets in order to curb violent crimes. She said that particular applicant had two existing locations in both Ward 1 and Ward 5, and had proven not to be a good neighbor. She asked the members of the audience who were supporting their request for denial to please stand.

Abreeza Zegeer, Chair of the Westside Development Neighborhood Association, said she was opposed to the liquor license. She said it was not needed and it was a reproduction of the two Quik Marts that were already located on the corner of 36th Street, Circle K and Diamond Shamrock that had gas, liquor and snack foods. She stated that they were not providing anything different than what already existed. She was hoping for a small market for the neighborhood that would produce wholesome foods. She said she visited the market once and they had a couple of tomatoes and a deli full of some cheeses, meats, but not really a big selection of foods. She basically opposed the liquor license because it was not a needed facility in that area. She stated if it was a nicer market with some options, it would be what was needed in that area.

Harvey Encinas representing Luz Southside Coalition stated his position, as an environmental prevention coordinator, was to reduce substance abuse problems like underage drinking on the south side of Tucson. He stated he was also part of SNAPP, Community Prevention Coalition and other organizations that were working to reduce underage drinking. He said he was there to share the coalition's concerns about adding another liquor license to an already over-saturated area of liquor licenses and alcohol vending establishments. They knew that alcohol availability was a major predictor of the occurrence of violent crimes such as domestic violence, rape, and murder. He said research showed that the more alcohol was available, the more it led to an increase in underage drinking. He asked the Mayor and Council to join them in decreasing the number of alcohol outlets on the south side of Tucson.

David Densmore of the Elvira Neighborhood Association stated he opposed any new liquor licenses on the south side. He was a neighbor to the Mi Ranchito Store on South 12th Avenue, and from Los Reales Road and 12th Avenue, there was trash, bottles, and cans all over the streets. He said if one stood on the corner of 12th Avenue and Los Reales Road and looked south into the reservation, it was an ecological nightmare of beer bottles and beer cans. He said they were not good neighbors for selling alcohol.

Thomas Aguilera of the Aguilera Law Group stated he would be allowing his client to speak, but he had a couple of things he wanted to see if he could do procedurally. He stated they were allowing people to speak who were not jurisdictionally within a mile and he had people there who were not within the mile, but would like to have that same opportunity. He said he would certainly object to their testimony, and by

him introducing somebody to rebut what they just heard, he was not waiving his objection, but it did not seem fair to not follow the statute and not allow his applicant to do the same.

Michael Rankin, City Attorney, informed Mayor and Council that Mr. Aguilera was noting his objection for the record. He said he did not know if any of the speakers could address the issue of whether they reside or have property within a mile of the location.

Mr. Aguilera stated he heard one gentleman say he resided near the 12th Avenue store.

Council Member Romero said there was one individual who spoke, who did not reside within the mile, but was the president of the SNAPP and she believed it was his right to express his opinion.

Mr. Aguilera stated that Council Member Romero and he had different views on the law and stated he did not hear whether Ms. Herrera lived within the mile.

Mr. Rankin said the State Liquor Board would also recognize people speaking on behalf of neighborhood associations that were also within that proximity.

Council Member Leal said when they received a person-to-person transfer, the issue of character was what they focused on and when they dealt with a new location, there were additional issues that were brought to bear on trying to understand the merits of how they made a decision. He said the person who lived a mile away gave them some insight on the quality of the management that the applicant brought to bear on an existing location, and gave them some insight into future locations he was asking for. He thought that was the bridge and, aside from the fact that he was the president of an association, the comment was germane and helpful to them to have some insight into the situation.

Mr. Rankin stated it was a new license application, which meant both prongs of the statutory test were in place – capability, qualifications and reliability of the applicant, as well as the suitability of the location. He stated that Mr. Aguilera may be correct that the Arizona State Liquor Board ultimately may not consider testimony in front of them in hearing from persons who reside outside of a mile, if they did not simultaneously represent an association that was within that proximity, but he thought Mr. Aguilera made that objection clear for the record.

Council Member Romero asked Mr. Aguilera if he wished to continue.

Mr. Aguilera stated he did and said they had filed that application back in October and it took the department two months to process it. He said they contacted the four neighborhood associations in that area, which were Westside, Enchanted Hills, “A” Mountain and Santa Cruz. He stated he had received that information from the web site, and also from the Ward 1 office, the day before the application was submitted. He

said they also tried to meet with Mothers Against Drunk Driving (MADD), but they would not meet with them. They tried months before and MADD waited until December 31 to call back and say they would not meet because there were protesters.

Mr. Aguilera said he felt hopeful, when in 2008 that Council embraced Total Wine and Bev Mo and held a ribbon cutting ceremony; he saw a change. He said the Mayor and Council denied one of his client's licenses in that same area for over-saturation reasons within a mile of Total Wine and Bev Mo some months before. He said there were forty licenses in that area and in Section 16 of this application, he thought there were about thirteen. He stated Diamond Shamrock sold gas, as did Circle K, which were very close to his client's grocery store and they certainly begged to differ with the characterization of their store. He said he would have someone who lived across the street from that store to talk about what the store looked like and what it offered. He said it offered healthy foods, fifty thousand dollars in renovations and purchasing of foods. He stated it was a food market, unlike Circle K.

Mr. Aguilera mentioned that Mr. Rankin said it was up to the applicant to prove convenience to the community, and it had. He said if they looked at the census map, within a mile of that area, it was anywhere from seventy-four to ninety-four percent Hispanic population. It seemed to him that if they had a market in that kind of area, they must cater to the convenience of that community. He stated it was a Carneceria and did not have to explain to Mayor and Council what that was. He said that was one of the local types of businesses. He said he was encouraged a couple of months ago when he heard Vice Mayor Uhlich's support of purchasing and investing locally; he had always been encouraged to support local businesses.

Mr. Aguilera said it was his client's third store and he had not had any violations for well over a decade. His client had no crimes or sold to minors and had followed the rules and laws. The City Department of Revenue indicated his client was in compliance and his taxes had been paid. Mr. Aguilera said he had prior applicants before Mayor and Council where Revenue stated they had not paid their taxes and that basis was used for denial. He said Council Member Leal stated a few years prior that it would have to be used as an indicator of whether that person possessed the capability and qualifications to be a licensee. He said his client passed the test with Revenue and also had received a certificate of occupancy.

Council Member Romero informed Mr. Aguilera that his three minutes were up and asked if he had a conclusion.

Mr. Aguilera said his conclusion was that the liquor license application should be granted. It met the public convenience and the applicant certainly possessed the capabilities and qualifications to own the license and had proven that. He said there was a neighbor who lived across the street who wanted to speak and there were four others who lived on the reservation in the 12th Avenue area, but did not know if Mayor and Council wanted to hear from them.

Council Member Romero stated they had the opportunity to fill out speaker cards like everyone else. She said that with Mr. Aguilera speaking on behalf of Mr. Patel, if he would like to include anything else in his presentation, she would accept that.

Mr. Aguilera stated he did not have people fill out a speaker's card, because they did not live within the one-mile radius. He said they would hear from the one neighbor and then they could deliberate.

Dolores Kuroda addressed the Mayor and Council in Spanish.

Council Member Romero provided the following translation.

Ms. Kuroda stated the store was very clean and convenient for her and especially for the people that lived across the street in the apartment complex. She said they could pick up fresh vegetables, meats, and were treated well. She said the convenience was there, and it was much faster to walk across the street and purchase their daily needs.

Council Member Romero said she knew that area and was very familiar with the neighborhoods and lived a little further than a mile away. She said State Law defined that, in all proceedings before the governing body of the City, the applicant bore the burden of showing that the public convenience required and that the best interest of the community would be substantially served by the issuance of a liquor license. She said she believed the fact that Diamond Shamrock and Circle K were on the corner, maybe about three hundred feet away, that a liquor license was not needed and was not adding convenience to that particular location. She recommended denial of the liquor license application because of the lack of convenience and the presence of other liquor licenses in the area. She said she believed in local businesses and thought that particular store could thrive offering the cleanliness and convenience of purchasing food and other day to day uses, but the liquor license was not necessary.

It was moved by Council Member Romero, duly seconded, to forward liquor license application 5b2 to the Arizona State Liquor Board with a recommendation for denial.

Council Member Leal said he agreed with the argument Council Member Romero made. He said there was not a current lack of convenience to show that it created convenience where there was none before. He said he was disturbed and offended by one of the arguments made to justify that location. He said an argument was made that there was a high demographic percentage of Latinos living in the area, therefore places of business should have the right to sell beer or liquor. He said he thought that was an inference which was dark and which equated culture with dysfunctionality, and it was very inappropriate and no one should tolerate that. He stated it needed to be said and be a part of the record. He said the State Liquor Board needed to hear that, as did anyone else who would have the nerve to come forward in the future asking for a license using that argument.

Council Member Romero stated she would also like the record to show that Mr. Aguilera and the applicant, Sanjay Patel, walked out before the deliberation. She said that showed the Council and people representing their neighborhoods the lack of responsibility and response to the community.

Mayor Walkup asked for a voice vote.

The motion to forward liquor license application 5b2 to the Arizona State Liquor Board with a recommendation for denial was carried by a voice vote of 7 to 0.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Walkup informed Council Member Romero that he had several cards from people wanting to speak about something that would not be considered that night, and asked if she would like to clarify that. He said he would give them the option to speak if they would like, and asked if she would advise everyone what was happening.

Council Romero stated that there was an item on the agenda regarding a site acquisition for Broken Springs Trail Water Booster Station and Tucson Water recommended Mayor and Council delay that action for ninety days. She said that happened because they did not have complete information on the appraisal of the requested property. She said they would like to make decisions as a Council knowing the amount of money they would use to take in property. She said it may not take the ninety days Tucson Water requested, but once they received the complete information, it would come before Mayor and Council. She suggested once they brought it back, to schedule it as a separate item and include a hearing on that item. She said if the audience wanted to address Mayor and Council, they were more than welcome.

Mayor Walkup called upon those who were not able to speak at the meeting of January 13, 2009. There was no response.

- a. Mia Henson, President of the Cultural Exchange Council of Tucson, acknowledged two members of the National Danish Performance Team. She thanked the Mayor and Council for their support and participation.
- b. Curt Cannon, representing Tucson Association of Realtors Shootout, thanked Tucson Parks & Recreation for a wonderful job they did for the Shootout that year.
- c. Jan James spoke in support of continuing the exercise classes at the Udall Center, and made some other suggestions for budget cuts.

- d. Wendell Niemann, on behalf of the Catalina Vista Neighborhood Association, spoke about the realignment of Grand Road, and requested a buffer wall be constructed along Catalina Vista's northern border as part of the second phase. He submitted a petition with one hundred forty-six signatures to support the inclusion of a buffer wall along Catalina Vista's northern boundary.
- e. Joseph Sweeney spoke about wages in Mexico, helping Mexico get a National Credit Union Act, and the impacts of immigration.
- f. John Barry spoke in support of the Broken Springs Trail Water Booster Station and becoming a Tucson Water customer.

Council Member Romero directed staff to contact those who were present for the Broken Springs Trail Water Booster Station item, and inform them on the decision made in delaying the item for up to ninety days. The purchase of private property by the City must follow the City's established property acquisition policies. She said people could always contact Ward 1 for information.

7. CONSENT AGENDA – ITEMS A THROUGH O

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT AND FINAL PLAT: (S07-116) MINOR SUBDIVISION, MONTE VISTA GROUP, LOTS 1 TO 4
 - 1. Report from City Manager JAN27-09-40 WARD 3
 - 2. Resolution No. 21198 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S07-116 and approving the final plat for the Minor Subdivision Monte Vista Group, Lots 1 through 4; and declaring an emergency.
 - 3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- B. FINAL PLAT: (S07-182) LOT 176 VALENCIA ROAD CONDOMINIUM, A CONDOMINIUM CONVERSION PROJECT, UNITS 1 TO 40 AND COMMON ELEMENTS "A" AND "B"
 - 1. Report from City Manager JAN27-09-48 WARD 5

2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- C. REAL PROPERTY: ACQUISITION OF PROPERTY LOCATED NEAR BROADWAY BOULEVARD AND HOUGHTON ROAD FOR A REGIONAL TRANSPORTATION AUTHORITY PARK AND RIDE FACILITY
1. Report from City Manager JAN27-09-45 WARD 2
 2. Resolution No. 21199 relating to transportation; authorizing and directing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located near the northwest corner of Broadway Boulevard and Houghton Road for a Regional Transportation Authority Park and Ride Facility; and declaring an emergency.
- D. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-022) MINOR SUBDIVISION, COLUMBUS VILLAGE, LOTS 1 TO 5
1. Report from City Manager JAN27-09-49 WARD 6
 2. Resolution No. 21200 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S08-022 and approving the final plat for the Minor Subdivision Columbus Village, Lots 1 through 5; and declaring an emergency.
 3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- E. REAL PROPERTY: ACQUISITION OF PROPERTY LOCATED NEAR HOUGHTON ROAD AND OLD VAIL ROAD FOR A REGIONAL TRANSPORTATION AUTHORITY PARK AND RIDE FACILITY
1. Report from City Manager JAN27-09-46 WARD 4
 2. Resolution No. 21201 relating to transportation; authorizing and directing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located near Houghton Road and Old Vail Road for a Regional Transportation Authority Park and Ride Facility; and declaring an emergency.
- F. FINAL PLAT: (S07-063) FORT LOWELL CONDOMINIUMS, UNITS 1 TO 5 AND COMMON ELEMENTS "A" TO "C"
1. Report from City Manager JAN27-09-50 WARD 2

2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- G. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR FISCAL YEAR 2009 INTERSECTION IMPROVEMENTS PROJECT
1. Report from City Manager JAN27-09-47 CITY-WIDE
 2. Resolution No. 21202 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County and the City of Tucson for the Fiscal Year 2009 Intersection Improvements Project for five intersections; and declaring an emergency.
- H. REAL PROPERTY: AUTHORIZING A PURCHASE AGREEMENT WITH LAWYERS TITLE AGENCY OF ARIZONA, LLC FOR PROPERTY LOCATED NEAR 15TH AVENUE AND FAIRVIEW AVENUE
1. Report from City Manager JAN27-09-51 WARD 3
 2. Resolution No. 21203 relating to real property; authorizing and approving the Purchase Agreement between the City of Tucson and Lawyer's Title to acquire those parcels of real property described as Lots 6, 7 and 8 in the Fairview Property Subdivision, located near 15th Avenue and Fairview Avenue for recreational purposes; and declaring an emergency.
- I. REAL PROPERTY: EASEMENT AMENDMENT, MAINTENANCE AGREEMENT AND ACQUISITION OF PROPERTY FOR PANTANO WASH LINEAR PARK
1. Report from City Manager JAN27-09-53 WARD 2
 2. Ordinance No. 10629 relating to real property; authorizing and approving an easement amendment and Maintenance Agreement for Centrepark Drive, between Pantano Road and the public trailhead and parking located at the Pantano Wash Linear Park; authorizing and directing the City Manager to acquire by negotiation a parcel of land located at Centrepark Drive and the Pantano Wash for Linear Park purposes; and declaring an emergency.
- J. APPROVAL OF MINUTES
1. Report from City Manager JAN27-09-54 CITY-WIDE
 2. Approval of minutes for the regular meeting of the Mayor and Council held on October 21, 2008.

K. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO CARLOS SANCHEZ OF SIERRA MIDDLE SCHOOL TO ATTEND THE PRESIDENTIAL YOUTH INAUGURAL CONFERENCE

1. Report from City Manager JAN27-09-55 Ward 5
2. Resolution No. 21204 relating to Finance; approving and authorizing the allocation of One Hundred Fifty Dollars (\$150) from the Ward 5 Council Office Community Support Fund, Account No. 001-183-1898-268, to Carlos Sanchez, a Sierra Middle School student, to help support funding his selection as an Inaugural Scholar at the Presidential Youth Inaugural Conference scheduled January 17-21, 2009 and to attend the 56th Inauguration of the President of the United States in Washington, D.C.; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows:
Council Member Leal - \$150.00

L. FINANCE: AUTHORIZATION FOR THE ISSUANCE OF CLEAN RENEWABLE ENERGY BONDS (CONTINUED FROM THE MEETING OF JANUARY 6, 2009)

1. Report from City Manager JAN27-09-56 CITY-WIDE
2. Ordinance No. 10620 an ordinance of the Mayor and Council of the City of Tucson, Arizona, authorizing and approving the execution and delivery of a Master Equipment Lease-Purchase Agreement and an Acquisition Fund and Account Control Agreement in connection with the Issuance and Sale of the City's Clean Renewable Energy Bonds; approving negotiations with the purchaser of the Lease-Purchase Agreement; fixing the maximum aggregate principal amount and the maximum term of the lease payments to be made pursuant to the Lease-Purchase Agreement; declaring the City's official intent to reimburse expenditures made prior to the execution and delivery of the Lease-Purchase Agreement from proceeds of the Lease Purchase Agreement; and declaring an emergency.

M. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH VALENCIA SOCIOS L.L.C. TO FACILITATE FUTURE ANNEXATION

1. Report from City Manager JAN27-09-52 OUTSIDE CITY
2. Resolution No. 21206 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between Valencia Socios, L.L.C. and the City of Tucson.

Note: if annexed, area would be in Ward 4

N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE UNIVERSITY OF ARIZONA WOMEN'S STUDIES ADVISORY COUNCIL FOR THE HUMAN PAPILLOMAVIRUS EDUCATIONAL FORUMS

1. Report from City Manager JAN27-09-59 WARD 5
2. Resolution No. 21208 relating to Finance; approving and authorizing the allocation of One Hundred Forty-Eight Dollars (\$148) from the Ward 5 Council Office Community Support Fund, Account No. 001-183-1898-268, to the University of Arizona Women's Studies Advisory Council (WOSAC) to cover the cost of a room at the El Pueblo Neighborhood Center for HPV (Human Papillomavirus) Educational Forums; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows:
Council Member Leal - \$148.00

O. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE TUCSON POLICE FOUNDATION FOR THE FOURTH ANNUAL UNSUNG HEROES RECOGNITION EVENT

1. Report from City Manager JAN27-09-58 MAYOR AND WARD 3
2. Resolution No. 21207 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500) from the Mayor's Office and One Thousand Dollars (\$1000) from the Ward 3 Council Office Community Support Fund, Account No. 001-183-1898-268, to the Tucson Police Foundation to help support funding their Fourth Annual Unsung Heroes Recognition event scheduled on January 31, 2009 at the Ventana Canyon Resort; and declaring an emergency.

This is a request by Mayor Walkup and Vice Mayor Uhlich. Allocation of funds is as follows:

Mayor Walkup - \$500.00

Vice Mayor Uhlich - \$1000.00

Roger W. Randolph, City Clerk, announced in addition to Mayor Walkup's \$500.00 contribution and Vice Mayor Uhlich's \$1000.00 contribution, Council Member Scott added \$500.00, bringing the new total to \$2000.00.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Items A through O, including the amendment to Item O, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Consent Agenda Items A through O, including the amendment to Item O, were declared passed and adopted by a roll call vote of 7 to 0.

8. ZONING: (C9-06-03) LARSEN BAKER – GOLF LINKS ROAD, SR TO C-1, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 41, dated January 27, 2009, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10626 by number and title only.

Ordinance No. 10626 relating to zoning; amending zoning district boundaries in the area located at the southwest corner of Golf Links Road and Houghton Road in Case C9-06-03, Larsen Baker – Golf Links Road, SR to C-1; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10626.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Member Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Ordinance 10626 was declared passed and adopted by a roll call vote of 7 to 0.

9. ZONING: (SE-08-39) AT&T AT HOLY TRINITY – 12TH AVENUE, R-1 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 42, dated January 27, 2009, was received into and made a part of the record. He also announced this was a Special Exception Land Use request for property located at the southeast corner of Twelfth Avenue and Calle Alvord, north of Bilby Road. The Zoning Examiner and staff recommended approval of the special exception request subject to certain conditions. He asked if the applicant or a representative was present.

Steve Olson, representing Crown Communications, stated they had read the conditions included in the staff report and were agreeable to those conditions.

Mayor Walkup asked the City Clerk to read Ordinance 10628 by number and title only.

Ordinance No. 10628 relating to zoning; a special exception land use – wireless communications facility use – AT&T at Holy Trinity – 12th Avenue – on the southeast corner of Twelfth Avenue and Calle Alvord, north of Bilby Road; approving with conditions the construction of telecommunications facility use within a 65 foot artificial palm tree in the R-1 zone – Case SE-08-39; and setting an effective date.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 10628.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Member Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay None

Ordinance 10628 was declared passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (SE-08-40) AT&T – MISSION ROAD, R-1 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager’s communication number 43, dated January 27, 2009, was received into and made a part of the record. He also announced this was a Special Exception Land Use request for property located on the west side of Mission Road between 36th Street and Ajo Way. The Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or a representative was present.

The applicant had no comments.

Mayor Walkup asked the City Clerk to read Ordinance 10627 by number and title only.

Ordinance No. 10627 relating to zoning; a special exception land use – wireless communications use – AT&T – Mission Road – located on west side of Mission Road between 36th Street and Ajo Way; approving with conditions the construction of a telecommunications facility within a 65 foot artificial palm tree in the R-1 zone – Case SE-08-40; and setting an effective date.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 10627.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Member Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay None

Ordinance 10627 was declared passed and adopted by a roll call vote of 7 to 0.

11. ZONING: (C9-08-14) ROCKING M CONSTRUCTION – WILMOT ROAD, R-1 TO O-2, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager’s communication number 44, dated January 27, 2009, was received into and made a part of the record. He also announced this was a request to rezone property located on the west side of Wilmot Road, north of Twenty Second Street. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. He asked if the applicant or a representative was present.

Philip Carhuff of Krebs, Carhuff Architects, Inc., stated he designed the submittal and at the time of the Zoning Examiner’s decision, they agreed to his report and conditions imposed on the development. He said they would like to move ahead with those changes.

Council Member Trasoff asked if there was anyone present that evening who objected. She said previously there were some objections. She stated it was a property on Wilmot Road and was a vacant lot that was prime for development. She said they did some creative things with sharing curb cuts in order to make it safe and meet the guidelines. She said she was aware of a restriction on the height and asked if the restriction could go higher. She said the maximum restriction was eighteen feet, and asked if that restriction would only be for that development or if the property was sold, would it preclude the height from going higher.

Peter Gavin, Zoning Examiner, stated the height restriction ran with the land and not with the property owners.

Council Member Trasoff stated she would, at some point, like to know why a smaller property had to be zoned C-2 as opposed to being C-1, so that the neighbors would be protected in a different way.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to authorize the request for rezoning as recommended by the Zoning Examiner.

12. REAL PROPERTY: SITE ACQUISITION FOR BROKEN SPRINGS TRAIL WATER BOOSTER STATION (CONTINUED FROM THE MEETING OF JANUARY 13, 2009)

It was moved by Council Member Romero, duly seconded and carried by a voice vote of 7 to 0, to continue this item for up to three months to allow staff to determine if this project is viable.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 39, dated January 27, 2009, was received into and made a part of the record.

It was moved by Council Member Romero, duly seconded and carried by a voice vote of 7 to 0, to appoint Kelly Kirkham-Greene and David Greenberg to the Tucson Housing Trust Fund Citizens Advisory Committee, Carol Dow to the Pima County/Tucson Women's Commission, and Richard Mayers to the Downtown Links Citizen Advisory Committee.

14. ADJOURNMENT: 6:43 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 3, 2009, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 27th day of January 2009, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ds:dr